

assurances of citizen sponsors, and deportation for inadmissibility.

Section 1971f, act Aug. 7, 1953, ch. 336, § 8, 67 Stat. 404, related to intergovernmental arrangements for assistance to immigrants and use of American ships and airplanes.

Section 1971g, act Aug. 7, 1953, ch. 336, § 9, 67 Stat. 405, related to determination of eligibility on a nondiscriminatory basis.

Section 1971h, act Aug. 7, 1953, ch. 336, § 10, 67 Stat. 405, related to an exemption from visa fees.

Section 1971i, act Aug. 7, 1953, ch. 336, § 11, 67 Stat. 405, related to safeguards in regards to security-screening.

Section 1971j, act Aug. 7, 1953, ch. 336, § 12, 67 Stat. 405, related to priorities in consideration of visa applications.

Section 1971k, act Aug. 7, 1953, ch. 336, § 13, 67 Stat. 406, related to priorities of persons eligible under the Displaced Persons Act of 1948.

Section 1971l, act Aug. 7, 1953, ch. 336, § 14, 67 Stat. 406, related to ineligibility of certain persons.

Section 1971m, act Aug. 7, 1953, ch. 336, § 15, 67 Stat. 406, related to applicability of Immigration and Nationality Act.

Section 1971n, act Aug. 7, 1953, ch. 336, § 16, 67 Stat. 406, related to loans to pay transportation.

Section 1971o, act Aug. 7, 1953, ch. 336, § 17, 67 Stat. 407, related to eligible aliens as nonquota immigrants.

Section 1971p, act Aug. 7, 1953, ch. 336, § 19, 67 Stat. 407, related to semi-annual reports to President and Congress.

Section 1971q, act Aug. 7, 1953, ch. 336, § 20, 67 Stat. 407, provided that no immigrant visa would issue under sections 1971 to 1971q of this Appendix after Dec. 31, 1956.

ADMISSION OF ORPHANS ADOPTED BY CITIZENS SERVING ABROAD

ACT JULY 29, 1953, CH. 268, 67 STAT. 229

§§ 1975 to 1975c. Omitted

CODIFICATION

Sections 1975 to 1975c were omitted as terminated pursuant to section 1975 of this Appendix.

Section 1975, act July 29, 1953, ch. 268, § 1, 67 Stat. 229, authorized 500 special quota nonimmigrant visas for certain orphans and provided that the issuance of such visas under sections 1975 to 1975c of this Appendix would terminate no later than Dec. 31, 1954.

Section 1975a, act July 29, 1953, ch. 268, § 2, 67 Stat. 229, defined "eligible orphan".

Section 1975b, act July 29, 1953, ch. 268, § 3, 67 Stat. 230, related to rights of natural parents under Immigration and Nationality Act.

Section 1975c, act July 29, 1953, ch. 268, § 4, 67 Stat. 230, related to eligible orphans as nonquota immigrants.

AMERICAN-JAPANESE EVACUATION CLAIMS

ACT JULY 2, 1948, CH. 814, 62 STAT. 1231

Sec.	
1981.	Attorney General's jurisdiction; uncompensated claims; condition precedent; definitions.
1982.	Time limitation on presentation of claims; claims excluded.
1983.	Notice; evidence; records.
1984.	Compromise of claims by Attorney General; jurisdiction of United States Court of Federal Claims to determine claims timely filed; report to Congress; payment of awards; finality of decisions.
1985.	Attorney's fees; penalty for overcharging.
1986.	Administration.
1987.	Authorization of appropriations.

§ 1981. Attorney General's jurisdiction; uncompensated claims; condition precedent; definitions

(a) The Attorney General shall have jurisdiction to compromise and settle and make an award in an amount not to exceed \$100,000 as hereinafter provided on any claim by a person of Japanese ancestry against the United States arising on or after December 7, 1941, when such claim is not compensated for by insurance or otherwise, for damage to or loss of real or personal property (including without limitation as to amount damage to or loss of personal property bailed to or in the custody of the Government or any agent thereof), that is (except as is otherwise provided by subsections 1(b)(2) and (1)(b)(3)) [subsections (b)(2) and (b)(3) of this section] a reasonable and natural consequence of the evacuation or exclusion of such person by the appropriate military commander from a military area in Arizona, California, Oregon, or Washington; or from the Territory of Alaska, or the Territory of Hawaii, under authority of Executive Order Numbered 9066, dated February 19, 1942 (3 C.F.R. Cum. Supp. 1092), section 67 of the Act of April 30, 1900 (48 U.S.C. 532), or Executive Order Numbered 9489, dated October 18, 1944 (3 C.F.R. 1944 Supp. 45).

(b) As used herein—

(1) "Evacuation" shall include voluntary departure from a military area prior to but in anticipation of an order of exclusion therefrom.

(2) "Claims by a person of Japanese ancestry" shall include claims that were filed by any profit or nonprofit organization, corporate or otherwise, the majority of whose stock was owned by, or the majority of whose stockholders or members were, on December 7, 1941, and on the date of the filing of the claim, persons of Japanese ancestry actually residing within the continental limits of the United States or its Territories: *Provided, however,* That the losses sustained by the particular organization were the result (1) of the evacuation and exclusion of its stockholders or members, or (2) of the evacuation and exclusion of persons of Japanese ancestry upon whom the organization depended for its business or support. Such claims shall not be barred by awards or disallowances heretofore made.

(3) "Claim by a person of Japanese ancestry" shall also include claims which have been timely filed for such damage or loss as heretofore defined incurred by persons of Japanese ancestry detained, interned, or paroled, and subsequently released, pursuant to Revised Statutes, sections 4067-70, as amended (relating to alien enemies) [50 U.S.C. 21 to 24]. Such claims shall also include losses due to the exclusion of the families and relatives of such persons during their detention or internment. Any such person shall be deemed to have been excluded from such military areas and territories as of the date he would have been evacuated had he not been detained or interned. The claim of or on behalf of such person shall not be barred by any award or disallowance heretofore made.

(July 2, 1948, ch. 814, § 1, 62 Stat. 1231; July 9, 1956, ch. 531, 70 Stat. 513.)

REFERENCES IN TEXT

Section 67 of the Act of April 30, 1900 (48 U.S.C. 532), referred to in subsec. (a), was omitted from the Code.

AMENDMENTS

1956—Subsec. (a). The former first sentence of section was designated subsec. (a) by act July 9, 1956, which permitted the Attorney General to compromise and settle and make an award in an amount not to exceed \$100,000.

Subsec. (b). The former second sentence of section was designated subsec. (b) by act July 9, 1956, which defined “claims by a person of Japanese ancestry” and “claim by a person of Japanese ancestry”.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-451, §1, Nov. 7, 2000, 114 Stat. 1947, provided that: “This Act [enacting provisions set out as a note under this section] may be cited as the ‘Wartime Violation of Italian American Civil Liberties Act’.”

VIOLATION OF CIVIL LIBERTIES OF ITALIAN AMERICANS DURING WORLD WAR II

Pub. L. 106-451, §3, Nov. 7, 2000, 114 Stat. 1947, provided that: “The Attorney General shall conduct a comprehensive review of the treatment by the United States Government of Italian Americans during World War II, and not later than 1 year after the date of the enactment of this Act [Nov. 7, 2000] shall submit to the Congress a report that documents the findings of such review. The report shall cover the period between September 1, 1939, and December 31, 1945, and shall include the following:

“(1) The names of all Italian Americans who were taken into custody in the initial roundup following the attack on Pearl Harbor, and prior to the United States declaration of war against Italy.

“(2) The names of all Italian Americans who were taken into custody.

“(3) The names of all Italian Americans who were interned and the location where they were interned.

“(4) The names of all Italian Americans who were ordered to move out of designated areas under the United States Army’s ‘Individual Exclusion Program’.

“(5) The names of all Italian Americans who were arrested for curfew, contraband, or other violations under the authority of Executive Order No. 9066 [not classified to the Code].

“(6) Documentation of Federal Bureau of Investigation raids on the homes of Italian Americans.

“(7) A list of ports from which Italian American fishermen were restricted.

“(8) The names of Italian American fishermen who were prevented from fishing in prohibited zones and therefore unable to pursue their livelihoods.

“(9) The names of Italian Americans whose boats were confiscated.

“(10) The names of Italian American railroad workers who were prevented from working in prohibited zones.

“(11) A list of all civil liberties infringements suffered by Italian Americans during World War II, as a result of Executive Order No. 9066, including internment, hearings without benefit of counsel, illegal searches and seizures, travel restrictions, enemy alien registration requirements, employment restrictions, confiscation of property, and forced evacuation from homes.

“(12) An explanation of whether Italian Americans were subjected to civil liberties infringements, as a result of Executive Order No. 9066, and if so, why other Italian Americans were not.

“(13) A review of the wartime restrictions on Italian Americans to determine how civil liberties can be better protected during national emergencies.”

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

Pub. L. 96-317, July 31, 1980, 94 Stat. 964, as amended by Pub. L. 97-3, Feb. 10, 1981, 95 Stat. 5; Pub. L. 97-152,

Mar. 16, 1982, 96 Stat. 11; Pub. L. 97-377, title I, §111A, Dec. 21, 1982, 96 Stat. 1911, provided for establishment of Commission on Wartime Relocation and Internment of Civilians which was to, not later than June 30, 1983, submit to Congress a final report and study concerning facts and circumstances surrounding Ex. Ord. No. 9066, issued Feb. 19, 1942, pursuant to which thousands of American citizens and permanent resident aliens were relocated and detained in internment camps, and which was to further review U.S. military directives requiring relocation and detention of American citizens, including Aleut civilians, and permanent resident aliens of Aleutian and Pribilof Islands, as well as recommend appropriate remedies for such actions, and further provided for establishment of Commission as well as powers, administrative procedures, appropriations, and termination of Commission 90 days after submission of final report to Congress.

§ 1982. Time limitation on presentation of claims; claims excluded

(a) The Attorney General shall receive claims for a period of eighteen months from the date of the original enactment of this Act [July 2, 1948]. All claims not presented within that time shall be forever barred: *Provided, however,* That any claim received by the Attorney General bearing a postmark prior to midnight, January 3, 1950, shall be considered to be timely filed within the said eighteen months. Any claim, timely filed, may be amended at any time prior to its final determination in order to include then compensable items of claim which, by the provisions of this Act [sections 1981 to 1987 of this Appendix] as they existed when the claim was filed, the Attorney General was not authorized to determine or consider.

(b) The Attorney General shall not consider any claim—

(1) by or on behalf of any person who after December 7, 1941, was voluntarily or involuntarily deported from the United States to Japan or by and on behalf of any alien who on December 7, 1941, was not actually residing in the United States;

(2) Except¹ as provided in section 1(b)(3) [section 1981(b)(3) of this Appendix], for damage or loss arising out of action taken by any Federal agency pursuant to sections 4067, 4068, 4069, and 4070 (relating to alien enemies) of the Revised Statutes, as amended (50 U.S.C. 21 to 24), or pursuant to the Trading With the Enemy Act, as amended (50 U.S.C. App., and Supp., 1-31, 616);

(3) for damage or loss to any property, or interest therein, vested in the United States pursuant to said Trading With the Enemy Act, as amended [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix];

(4) for damage or loss on account of death or personal injury, personal inconvenience, physical hardship, or mental suffering; and

(5) for loss of anticipated profits or loss of anticipated earnings.

(July 2, 1948, ch. 814, §2, 62 Stat. 1231; July 9, 1956, ch. 531, 70 Stat. 514.)

AMENDMENTS

1956—Subsec. (a). Act July 9, 1956, validated claims received by the Attorney General bearing a postmark

¹ So in original. Probably should not be capitalized.

prior to midnight, Jan. 3, 1950, and permitted amendment of claims timely filed.

Subsec. (b)(2). Act July 9, 1956, amended par. (2) generally, inserting at beginning "Except as provided in section 1(b)(3),".

§ 1983. Notice; evidence; records

(a) The Attorney General shall give reasonable notice to the interested parties and an opportunity for them to present evidence before making a final determination upon any claim.

(b) For the purpose of any investigation authorized under this Act [sections 1981 to 1987 of this Appendix], the provisions of sections 9 and 10 (relating to examination of documentary evidence, attendance of witnesses, and production of books, papers, and documents) of the Federal Trade Commission Act of September 26, 1914, as amended (15 U.S.C. 49, 50), are made applicable to the jurisdiction, powers, and duties of the Attorney General. Subpenas may be served personally, by registered mail, by telegraph, or by leaving a copy thereof at the residence or principal place of business of the person required to be served. A verified return by the individual so serving the same, setting forth the manner of service, shall be proof of service. The United States marshals or their deputies shall serve such process in their respective districts.

(c) A record shall be kept of all proceedings under this Act [sections 1981 to 1987 of this Appendix] and shall be open to public inspection.

(July 2, 1948, ch. 814, § 3, 62 Stat. 1231; July 9, 1956, ch. 531, 70 Stat. 515.)

AMENDMENTS

1956—Subsec. (a). Act July 9, 1956, struck out provisions permitting interested parties to be heard.

Subsec. (b). Act July 9, 1956, struck out provisions relating to hearings.

Subsec. (c). Act July 9, 1956, struck out provisions relating to hearings and substituted "records" for "written record".

§ 1984. Compromise of claims by Attorney General; jurisdiction of United States Court of Federal Claims to determine claims timely filed; report to Congress; payment of awards; finality of decisions

(a) The Attorney General is authorized to compromise and settle and make an award in an amount not to exceed \$100,000 on any claim timely filed under this Act, as amended [sections 1981 to 1987 of this Appendix], on the basis of affidavits, available Government records, and other information satisfactory to him.

(b) The United States Court of Federal Claims shall have jurisdiction to determine any claim timely filed under this Act [sections 1981 to 1987 of this Appendix]. A petition for the determination of a claim by the United States Court of Federal Claims shall be filed with the clerk of the said court and a copy of the petition shall be served upon the Attorney General by registered mail. Such a petition may be filed at any time after enactment of this subsection except that it must be filed within ninety days after the date of a notice by the Attorney General served on the claimant by registered mail that no further consideration will be given to the compromise of the claim. Upon the timely filing and serving of

such petition, the United States Court of Federal Claims shall have jurisdiction to hear and determine said claim in the same manner and under the same rules as any other cause properly before it and applying rules of equity and justice. Upon being served with a copy of such petition, the Attorney General shall forthwith certify and transmit to the clerk of the United States Court of Federal Claims the original statement of the claim and any requested amendments thereto for filing with the said clerk as a preliminary record in the case.

(c) On the first day of each regular session of Congress the Attorney General shall transmit to Congress a full and complete statement of all compromise settlements effected by the Attorney General under this Act, as amended [sections 1981 to 1987 of this Appendix], during the previous year, stating the name and address of each claimant, the amount claimed, and the amount awarded. All awards shall be paid in like manner as are final judgments of the United States Court of Federal Claims.

(d) Except as herein provided, the payment of an award shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary, and shall be a full discharge of the United States and all of its officers, agents, servants, and employees with respect to all claims arising out of the same subject matter.

(July 2, 1948, ch. 814, § 4, 62 Stat. 1232; Aug. 17, 1951, ch. 327, § 1, 65 Stat. 192; July 9, 1956, ch. 531, 70 Stat. 514; Pub. L. 97-164, title I, § 160(a)(19), Apr. 2, 1982, 96 Stat. 48; Pub. L. 98-620, title IV, § 402(55), Nov. 8, 1984, 98 Stat. 3361; Pub. L. 102-572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

REFERENCES IN TEXT

Any time after enactment of this subsection, referred to in subsec. (b), probably means any time after July 9, 1956, which was the date of enactment of the 1956 amendment of subsec. (b).

AMENDMENTS

1992—Subsecs. (b), (c). Pub. L. 102-572 substituted "United States Court of Federal Claims" for "United States Claims Court" wherever appearing.

1984—Subsec. (b). Pub. L. 98-620 struck out provisions that required that such petitions be treated for docketing, hearing and determination, to the fullest practicable extent, as if the petition had been filed with the United States Claims Court on the date the original claim was received by the Attorney General, but that no such petition would have precedence over petitions involving interest-bearing obligations of the United States.

1982—Subsecs. (b), (c). Pub. L. 97-164 substituted "United States Claims Court" for "Court of Claims" wherever appearing.

1956—Subsec. (a). Act July 9, 1956, substituted provisions permitting the Attorney General to compromise and settle and make an award in an amount not to exceed \$100,000 for provisions which required him to adjudicate, except as to compromised claims, all claims filed, by award or order of dismissal, upon written findings of fact and reasons for the decision.

Subsec. (b). Act July 9, 1956, substituted provisions granting jurisdiction to the Court of Claims to determine timely claims for provisions which authorized the Attorney General to make payment of any award not exceeding \$2,500 in amount.

Subsec. (c). Act July 9, 1956, required the Attorney General to report on all compromise settlements effected during the previous year.

Subsec. (d). Act July 9, 1956, inserted “Except as herein provided”, and struck out provisions which barred any further claim against the United States where there is an order of dismissal against a claimant, unless set aside by the Attorney General.

1951—Subsec. (a). Act Aug. 17, 1951, inserted exception as to claims compromised.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164 set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EXCLUSION FROM GROSS INCOME OF CERTAIN AWARDS MADE PURSUANT TO EVACUATION CLAIMS OF JAPANESE-AMERICAN PERSONS

Pub. L. 87-834, §27, Oct. 16, 1962, 76 Stat. 1067, as amended by Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095, provided that:

“(a) IN GENERAL.—No amount received as an award under the Act entitled ‘An Act to authorize the Attorney General to adjudicate certain claims resulting from evacuation of certain persons of Japanese ancestry under military orders’, approved July 2, 1948, as amended by Public Law 116, Eighty-second Congress, and Public Law 673, Eighty-fourth Congress (50 U.S.C. App., secs. 1981-1987), shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1939 or chapter 1 of the Internal Revenue Code of 1986 [formerly I.R.C. 1954].

“(b) EFFECTIVE DATE, ETC.—Subsection (a) shall apply with respect to taxable years ending after July 2, 1948. If refund or credit of any overpayment of Federal income tax resulting from the application of subsection (a) (including interest, additions to the tax, additional amounts, and penalties) is prevented on the date of the enactment of this Act [Oct. 16, 1962], or within one year from such date, by the operation of any law or rule of law, the refund or credit of such overpayment may nevertheless be made or allowed if claim therefor is filed within one year after the date of enactment of this Act [Oct. 16, 1962]. In the case of a claim to which the preceding sentence applies, the amount to be refunded or credited as an overpayment shall not be diminished by any credit or setoff based upon any item other than the amount of the award referred to in subsection (a). No interest shall be allowed or paid on any overpayment resulting from the application of this section.”

§ 1985. Attorney's fees; penalty for overcharging

The Attorney General, in rendering an award in favor of any claimant, may as a part of the award determine and allow reasonable attorneys' fees, which shall not exceed 10 per centum of the amount allowed, to be paid out of, but not in addition to, the amount of such award.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not more than \$2,000, or imprisonment for not more than one year, or both.

(July 2, 1948, ch. 814, §5, 62 Stat. 1232.)

§ 1986. Administration

For the purposes of this Act [sections 1981 to 1987 of this Appendix] the Attorney General may—

(a) appoint a clerk and such attorneys, examiners, interpreters, appraisers, and other employees as may be necessary;

(b) call upon any Federal department or agency for any information or records necessary;

(c) secure the cooperation of State and local agencies, governmental or otherwise, and reimburse such agencies for services rendered;

(d) utilize such voluntary and uncompensated services as may from time to time be needed and available;

(e) assist needy claimants in the preparation and filing of claims;

(f) make such investigations as may be necessary;

(g) make expenditures for witness fees and mileage and for other administrative expenses;

(h) prescribe such rules and regulations, perform such acts not inconsistent with law, and delegate such authority as he may deem proper in carrying out the provisions of this Act [sections 1981 to 1987 of this Appendix].

(July 2, 1948, ch. 814, §6, 62 Stat. 1232.)

§ 1987. Authorization of appropriations

There are hereby authorized to be appropriated for the purposes of this Act [sections 1981 to 1987 of this Appendix] such sums as Congress may from time to time determine to be necessary.

(July 2, 1948, ch. 814, §7, 62 Stat. 1233; Aug. 17, 1951, ch. 327, §2, 65 Stat. 192; July 9, 1956, ch. 531, 70 Stat. 515.)

AMENDMENTS

1956—Act July 9, 1956, struck out provisions which made funds available for payment of settlement awards.

1951—Act Aug. 17, 1951, inserted provisions giving the Attorney General authority to effect compromise settlement of certain claims, not to exceed \$2,500 in amount with respect to each such claim.

RESTITUTION FOR WORLD WAR II INTERNMENT OF JAPANESE-AMERICANS AND ALEUTS

PUB. L. 100-383, AUG. 10, 1988, 102 STAT. 903

Sec.

1989.

Purposes.

1989a.

Statement of the Congress.

(a) With regard to individuals of Japanese ancestry.

(b) With respect to the Aleuts.

TITLE I—UNITED STATES CITIZENS OF JAPANESE ANCESTRY AND RESIDENT JAPANESE ALIENS

1989b. Short title.

1989b-1. Remedies with respect to criminal convictions.

(a) Review of convictions.

(b) Recommendations for pardons.

(c) Action by the President.

1989b-2. Consideration of Commission findings by departments and agencies.